

Remarks/Arguments:

Claims 1, 7, 9, 12, 16, 18, and 19 have been rejected under 35 U.S.C. §102(b) as being anticipated by Aito (U.S. 5,991,689). These claims are patentable over the art of record for the reasons set forth below.

Aito teaches a navigation apparatus for a vehicle which makes it possible to determine properly and reasonably whether ordinary roads or toll roads are to be given priority during route determination. Thus, Aito can select proper interchanges for a special road, thereby making it possible to give priority to the special road.

Applicants' invention, as recited by claim 1, includes a feature which is neither disclosed nor suggested by Aito, namely:

... travel route setting means for setting a travel route ... wherein an electronic toll collection system is situated on said travel route...

... operation mode setting means for setting whether or not to utilize an electronic toll collection system on said travel route ...

This feature is described in the originally filed application at page 14, line 35 et. seq. where a discussion relating to electronic toll collection (ETC) appears:

The CPU 230 includes an operation mode switching section 231 constituting operation mode switching means for switching to the inactive mode to prevent the ETC system from being utilized in response to the inactive mode setting signal received from the navigation apparatus 300 ...

Thus, when the exemplary embodiment of the present invention enters inactive mode, utilization of the electronic toll collection system along the travel route is prevented.

Aito simply selects which travel route should be used. This is different than Applicants' invention where utilization of electronic toll collection along the travel route is prevented. As explained in the originally filed application at page 5, lines 12-24, it is because the ability to communicate with electronic toll collection systems along the travel route can be prevented that the driver's ability to select electronic toll collection lanes and non-electronic toll collection lanes is simplified. Furthermore, the driver is able to drive on non-electronic toll

collection lanes without having to physically remove an electronic toll collection card from his vehicle. Accordingly, claim 1 is patentable over the art of record.

Claims 2-6, 8, 10-11, 13-15 and 17 have been previously cancelled.

Claims 7, 12, 18, and 19 are patentable by virtue of their dependency on allowable claim 1.

Claim 9, while not identical to claim 1, also includes the feature of "operation mode setting means for setting whether or not an electronic toll collection system on a travel route is utilized...". Again, Aito neither discloses nor suggests whether an electronic toll collection system along the travel route should be used. Aito selects the travel route itself. If Aito's travel route includes an electronic toll collection system, Aito does not have the ability to prevent usage of that system. Accordingly, claim 9 is patentable over Aito.

Claim 16 is patentable by virtue of its dependency on allowable claim 9.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


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